

REMARKS

Claims 1-29 are pending in this application. Claims 7-17, 20, 21, 24, 25 and 29 are withdrawn from consideration. Claim 27 is rejected under 35 USC 112 as being indefinite. Claims 1-6, 18, 19, 22, 23, and 26-28 are rejected under 35 USC 102(b) as being anticipated by Brutscher.

The applicant has elected to amend claim 27 to eliminate the terminology "first leg" and "second leg." The two legs of claim 27 may be interpreted to include one of the fixed legs of FIG. 2 (i.e. 56 or 58) plus the center leg 60. Thus, the "means for adjusting" the positions of the legs relative to each other" is the mechanism illustrated in the Figures for moving the center leg 60 relative to the other legs 56, 58. Thus the rejection under 35 USC 112 has been overcome.

The applicant traverses the rejection of claims 1-6, 18, 19, 22, 23 and 26-28 under 35 USC 102(b). To begin, the applicant notes that the push shoe 10 of Brutscher is used to push a work piece 19 from behind and from the side by abutting rear and side surfaces of the work piece 19, as can be seen in FIG. 5 of Brutscher. The push shoe 10 includes a side guard 12 having a back leg (unnumbered) that extends over a portion of a rear surface of the work piece 19 to push the work piece 19 from behind to move it past a router blade. The push shoe 10 also includes a bottom guard 20 having a side edge (unnumbered) that bears against the side of the work piece 19 to urge the work piece 19 against the fence 51 of the router table. The side guard 12 and bottom guard 20 are adjustable to accommodate work pieces of a limited range of thicknesses and widths. Note that the push shoe 10 does not pass over the router blade, but rather is urged against one of the rear corners of the work piece 19 remote from the blade. The rear corner of the work piece 19 that is contacted by push shoe 10 is on the side of the work piece that is away from the router blade. In this regard, the Examiner should not be confused by FIGs. 12 and 13 of Brutscher that illustrate the push shoe 10 being used to set the height of the router blade prior to cutting a dovetail joint. Thus, the push shoe 10 of Brutscher does not form a tunnel through which a blade passes, but rather forms a corner cavity (cave) into which a non-cut corner of a work piece 19 is inserted. Note also that the corner of the work piece must have a 90 degree angle or it will not fit correctly into the corner cavity of the Brutscher device. The present invention avoids

this problem by contacting the work piece only along its top surface. Thus, rough, wavy, non-perpendicular edges on the work piece are not problematic for the present invention, unlike for Brutscher.

The Examiner suggests that FIG. 13 of Brutscher illustrates first and second tunnels, probably referring to the spaces shown under the push shoe on either side of bottom guard 20. However, these spaces are not tunnels, since they are blocked at the rear by the back leg of the side guard 12. What is visible on either side of bottom guard 20 in FIG. 13 is actually the front-facing surface of the back leg of the side guard 12. Both FIG. 5 and FIG. 6 of Brutscher show perspective views where it is clear that no tunnel can be observed. Accordingly, what is seen in FIG. 13 is not two tunnels but rather only cavities (caves). Furthermore, Brutscher teaches that the work piece 19 is inserted into one of these cavities so that the push shoe 10 can be moved past the cutting device with the entire push shoe 10 being positioned away from the cutting device.

As seen in FIG. 13 of Brutscher, the work piece is pushed forward by contacting a rear edge of the work piece, and by relying on the edge of the work piece to slide along the router guide fence 55. If the router blade is set to cut away the entire edge surface of the work piece, an uncontrolled and dangerous condition will exist as the cut portion of the work piece will no longer make contact with the fence. As the work piece is moved forward past the router blade, the cut portion of the work piece will tend to turn inward until it again makes contact with the fence, thereby potentially binding the blade and causing dangerous kick-back. The present invention avoids this problem by having an edge of the tool that rides along the fence, and by gripping the work piece from its top surface rather than pushing from the rear corner as does Brutscher.

MPEP §2131 provides that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. The identical invention must be shown in as complete detail as contained in the claim. The elements must be arranged as required by the claim. The following paragraphs describe at least some of the elements of the various claims that are not described in Brutscher.

Independent claim 1 includes the limitations of three non-slip work piece-contacting surfaces. Nowhere does Brutscher describe a non-slip work piece-

contacting surface. The push shoe 10 of Brutscher relies on a pushing force (compression) exerted by the forward-facing surface of the rear leg of side guard 12 onto the rearward-facing surface of the work piece 19. The contacting edge of guard 20 and the rear leg of side guard 12 form a predetermined right angle for contacting the left rear corner of the work piece. Any work piece not having exactly a right angle on its left rear corner will not be properly captured by the Brutscher device and may become unstable when fed through the router blade. The device of present claim 1 does not push from behind but rather develops the pushing force as a shear force between the non-slip surfaces and a top surface of the work piece. Brutscher provides no teaching or motivation for using a non-slip surface, since Brutscher relies on compression, not shear force. Any material is capable of exerting the compression force to the rearward-facing surface of the work piece 19, so Brutscher provides no discussion of particular materials in this regard. Present claim 1 includes the non-slip surface limitation that is described in the specification at page 9, lines 7-28. The non-slip surfaces of the device of claim 1 provide an enhanced shear force for moving the work piece forward. The applicant finds no mention of a non-slip surface in Brutscher. Should the Examiner find such a teaching in Brutscher, a specific reference to a column and line number or Figure numeral would be appreciated.

Claim 1 also includes the limitation of a handle moveably attached to a top of the body and fixable in any one of a plurality of positions. The handle 11 of Brutscher is fixed in a single position, thus teaching away from this limitation of claim 1. Should the Examiner find a teaching of a moveably attached handle in Brutscher, a specific reference to a column and line number or Figure numeral would be appreciated.

Thus, the cited prior art does not support a rejection of claim 1 under 35 USC 102(b) and the rejection should be withdrawn.

Independent claim 2 includes the limitation of the center leg moveable to a plurality of positions relative to the first side surface to form a first tunnel having a selected width through which a cutting device may pass. Brutscher does not describe a tunnel through which a cutting device may pass. Brutscher teaches away from this limitation by describing only a cavity through which a cutting device cannot pass. By necessity, the push shoe 10 of Brutscher is moved past the cutting device on the opposite side of the work piece 19 from the cutting device. Brutscher has no tunnel

through which a cutting device may pass. Thus, the cited prior art does not support a rejection of claim 2 or its dependent claims 3-6 under 35 USC 102(b) and these rejections should be withdrawn.

Claim 3 adds the additional novel limitation of the center leg being moveable to a plurality of positions between the first leg and the second leg to form a second tunnel having a selected width through which a cutting device may pass. Neither of the cavities (caves) defined under the push shoe 10 of Brutscher anticipates this limitation. Brutscher has no such center leg. Should the Examiner find such a teaching in Brutscher, a specific reference to a column and line number or Figure numeral would be appreciated. Thus, the cited prior art does not support a rejection of claim 3 or its dependent claim 4 under 35 USC 102(b) and these rejections should be withdrawn.

Claim 4 adds the additional novel limitation of the first leg having a width different than a width of the second leg. The specification of Brutscher is silent on the relative dimensions of the scale 18 and the side guard 12. However, the figures of Brutscher appear to teach away from the claim 4 limitation by illustrating these two structures as having the same width. Brutscher provides no motivation for this limitation because neither of these structures of Brutscher passes between the cutting device and the fence, as does one of the legs of the device of claim 4. Present claim 4 provides for legs having two different widths so that even very thin widths of material may be removed with a saw blade while still allowing one of the legs to fit between the blade and the fence. Thus, the cited prior art does not support a rejection of claim 4 under 35 USC 102(b) and the rejection should be withdrawn.

Claim 5 includes the additional novel limitation of the handle being attachable to the body at a plurality of positions relative to the first leg and the center leg. The applicant finds no teaching or suggestion of such a limitation in Brutscher. Thus, the cited prior art does not support a rejection of claim 5 under 35 USC 102(b) and the rejection should be withdrawn. Should the Examiner find such a teaching in Brutscher, a specific reference to a column and line number or Figure numeral would be appreciated.

Claim 6 includes the additional novel limitation of a non-slip surface formed on each of the first work piece-contacting surface and the center work piece-contacting surface. As discussed above with regard to claim 1, Brutscher fails to teach or to

suggest such a limitation. Thus, the cited prior art does not support a rejection of claim 6 under 35 USC 102(b) and the rejection should be withdrawn.

Independent claim 18 includes the limitation of a structure defining a tunnel through which a cutting device may pass. As discussed above, Brutscher fails to describe such a structure. Claim 18 also includes the limitation of the structure comprising at least two work piece-contacting surfaces for applying force to a work piece on each of two opposed sides of the cutting device. Brutscher teaches away from this limitation by describing a structure that applies force to the work piece on only one side of the router blade. Claim 18 also includes the limitation of a means for adjusting a width of the tunnel. Brutscher fails to describe a tunnel so he necessarily must fail to describe a means for adjusting a width of a tunnel. The Examiner points to numeral 22 of Brutscher as being such a means for adjusting a width of a tunnel. However, numeral 22 is applied to a wing knob that is used when adjusting an angle of a miter bar 30 when the device is configured as shown in FIG. 9 of Brutscher. Numeral 22 has nothing to do with adjusting the width of a tunnel. Thus, the cited prior art does not support a rejection of claim 18 or its dependent claim 19 under 35 USC 102(b) and these rejections should be withdrawn.

Claim 19 includes the additional novel limitation of a non-slip surface formed on each of the work piece-contacting surfaces. As discussed above with regard to claim 1, Brutscher fails to teach or to suggest such a limitation. Thus, the cited prior art does not support a rejection of claim 19 under 35 USC 102(b) and the rejection should be withdrawn.

Independent claim 22 includes the limitation of a structure defining a tunnel through which a cutting device may pass. As discussed above, Brutscher fails to describe such a structure. Claim 22 also includes the limitation of the structure comprising at least two work piece-contacting surfaces for applying force to a work piece on each of two opposed sides of the cutting device. Brutscher teaches away from this limitation by describing a structure that applies force to the work piece on only one side of the router blade. Claim 22 also includes the limitations of a handle attached to the structure and moveably fixable at any one of a plurality of positions along a width of the structure for positioning the handle relative to the tunnel. This allows the user to position the handle directly over the cut line if desired, something that is impossible with

the device of Brutscher. The applicant finds no teaching or suggestion of such a limitation in Brutscher. Thus, the cited prior art does not support a rejection of claim 22 and its dependent claim 23 under 35 USC 102(b) and these rejections should be withdrawn.

Claim 23 adds the additional novel limitation of the handle being moveably fixable at a position wherein a longitudinal axis of the handle is disposed at an angle relative to a longitudinal axis of the tunnel. Brutscher teaches away from this limitation by describing the handle as fixed, and furthermore, being fixed in a position that is parallel to the longitudinal axis of the movement of the device. Thus, the cited prior art does not support a rejection of claim 23 under 35 USC 102(b) and the rejection should be withdrawn.

Independent claim 26 includes the limitation of a structure defining a tunnel through which a cutting device may pass. As discussed above, Brutscher fails to describe such a structure. Claim 26 also includes the limitation of the structure comprising at least two work piece-contacting surfaces for applying force to a work piece on each of two opposed sides of the cutting device. Brutscher teaches away from this limitation by describing a structure that applies force to the work piece on only one side of the router blade. Claim 26 also includes the limitation of each of the two work piece-contacting surfaces comprising a non-slip surface. As discussed above with regard to claim 1, Brutscher fails to teach or to suggest such a limitation. Thus, the cited prior art does not support a rejection of claim 26 or its dependent claim 27 under 35 USC 102(b) and these rejections should be withdrawn.

Amended claim 27 includes the additional novel limitation of a means for adjusting the positions of the legs relative to each other to adjust a width of the tunnel. Brutscher fails to describe a tunnel so he necessarily must fail to describe a means for adjusting a width of a tunnel. The Examiner points to numeral 22 of Brutscher as being such a means for adjusting a width of a tunnel. However, numeral 22 is a wing knob that is used when adjusting an angle of a miter bar 30 when the device is configured as shown in FIG. 9 of Brutscher. Numeral 22 has nothing to do with a means for adjusting a width of a tunnel. Thus, the cited prior art does not support a rejection of claim 27 under 35 USC 102(b) and this rejection should be withdrawn.

Independent claim 28 includes the limitations of a first and a second structure defining respective tunnels through which a cutting device may pass, with the cutting device passing through the second tunnel after having passed through the first tunnel. Brutscher fails to describe such a structure having two tunnels in series for passing a cutting tool one after another. Claim 28 also includes the limitations of the two structures each comprising at least two work piece-contacting surfaces for applying force to a work piece on each of two opposed sides of the cutting device. Brutscher teaches away from this limitation by describing a structure that applies force to the work piece on only one side of the router blade. Claim 28 also includes the limitation of a bridge connecting the first structure and the second structure to align the first tunnel and the second tunnel along a line of the cutting device. Brutscher fails to describe such a bridge. Should the Examiner find such a teaching, a specific reference to a column and line number or Figure numeral would be appreciated. Thus, the cited prior art does not support a rejection of claim 28 under 35 USC 102(b) and this rejection should be withdrawn.

New claims 30-34 have been added to more fully encompass the applicant's invention.


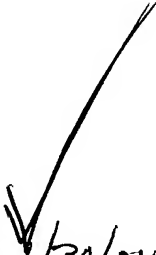
Independent claim 30 and its dependent claim 31 include the limitations of "a body comprising a straight edge for contacting a straight guide fence; and a work piece contacting member connected to the body for holding the work piece in a fixed position relative to the body and relative to the guide fence as the body is moved past the cutting device by sliding the straight edge along the guide fence." None of the cited prior art provides this combination, which allows the body edge to control movement of the work piece past the cutting device. Brutscher, for example, teaches away from these limitations by describing a device wherein the work piece rides along the fence, and wherein the pushing device is removed from the fence. Unlike the Brutscher device, the device of new claim 30 can be used to make a straight cut on a work piece having a wavy edge surface.

Independent claim 32 and its dependent claims 33-34 include the limitations of "a body having an edge for sliding contact with a guide fence of the table saw; an inside leg and an outside leg each extending from the body to contact the work piece on opposed sides of a cut line created by the blade as the work piece is moved past the

blade by sliding the edge along the guide fence; wherein the inside leg comprises a work piece contacting member for exerting a pushing force, a downward force and a lateral force directed toward the guide fence on an inside cut portion of the work piece as the body is moved past the blade; and wherein the outside leg comprises a work piece contacting member for exerting a pushing force and a downward force on an outside cut portion of the work piece to maintain as constant the relative positions of the inside cut portion and the outside cut portion as the work piece is moved past the blade." No prior art device provides the claimed structure for providing all of these forces necessary for the safe movement of a work piece past a cutting device. Brutcher, for example, does not provide any structure that contacts the inside cut portion of the work piece.

Reconsideration of the amended application in view of the above Remarks and allowance of claims 1-6, 18, 19, 22, 23 26-28 and 30-34 are respectfully requested. Upon the allowance of a generic claim, consideration of claims to additional species is also requested.

Respectfully submitted,

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